

HOUSE BILL 58

P1

0lr1044

(PRE-FILED)

By: **Delegate Smigiel**

Requested: November 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Open Meetings Act – Definition of Public Body**

3 FOR the purpose of altering the definition of a public body in the context of the Open
4 Meetings Act to include a certain entity created by a certain memorandum of
5 understanding, a certain memorandum of agreement, a certain contract, and a
6 certain political subdivision of the State under certain circumstances; and
7 generally relating to the definition of a public body in the context of the Open
8 Meetings Act.

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 10–502(h)
12 Annotated Code of Maryland
13 (2009 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – State Government**

17 10–502.

18 (h) (1) “Public body” means an entity that:

19 (i) consists of at least 2 individuals; and

20 (ii) is created by:

21 1. the Maryland Constitution;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) any single member entity;
- 2 (ii) any judicial nominating commission;
- 3 (iii) any grand jury;
- 4 (iv) any petit jury;
- 5 (v) the Appalachian States Low Level Radioactive Waste
6 Commission established in § 7–302 of the Environment Article;
- 7 (vi) except when a court is exercising rulemaking power, any
8 court established in accordance with Article IV of the Maryland Constitution;
- 9 (vii) the Governor’s cabinet, the Governor’s Executive Council as
10 provided in Title 8, Subtitle 1 of this article, or any committee of the Executive
11 Council;
- 12 (viii) a local government’s counterpart to the Governor’s cabinet,
13 Executive Council, or any committee of the counterpart of the Executive Council;
- 14 (ix) except as provided in paragraph (1) of this subsection, a
15 subcommittee of a public body as defined under paragraph (2)(i) of this subsection;
- 16 (x) the governing body of a hospital as defined in § 19–301 of
17 the Health – General Article; and
- 18 (xi) a self–insurance pool that is established in accordance with
19 Title 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment
20 Article by:
- 21 1. a public entity, as defined in § 19–602 of the
22 Insurance Article; or
- 23 2. a county or municipal corporation, as defined in
24 § 9–404 of the Labor and Employment Article.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.